

Application Serial No. 10/578,149
Docket No. 7862-88107

REMARKS

The Office Action of June 3, 2009, has been carefully considered.

In this Amendment, method claim 7, from which claims 8-16 depend, has been amended so that it now depends from claim 1.

In the above-identified Office Action, the Examiner has simply required that Applicant elect for further prosecution on the merits either Invention I, as defined in claims 1-6, drawn to a cylindrical separator for cylindrical cells, or Invention II, as defined in claims 7-16, drawn to a method for making a cylindrical separator closed at the bottom for batteries with a hollow cylindrical interior.

In requiring this election, the Examiner has taken the position that Invention I and Invention II are not so linked as to form a single general inventive concept under PCT Rule 13.1. First of all, it should be pointed out that the international searching authority has already determined that there is unity of invention between Inventions I and II. In this regard note the international preliminary examination report (IPER) wherein all sixteen of the claims were examined. Note further that PCT Rule 13.2 does not require that the limitations of both inventions be coextensive as apparently urged by the Examiner but only that there be a single inventive concept, which is the case here. Finally, claim 7 has been amended so that it is now claimed as a method of making the separator of claim 1, and thus is a method of making the specific cylindrical separator defined in claim 1.

Accordingly, for the above stated reasons, it is submitted that there is unity of invention between Inventions I and II as required by PCT Rule 13.1. Therefore, a withdrawal of the restriction requirement and an action on the merits of claims 1-16 is respectfully requested.

If the Examiner is of the opinion that the prosecution of the present application would be advanced by a personal interview, the Examiner is invited to telephone undersigned counsel to arrange for such an interview.

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To the extent necessary during prosecution, Applicant hereby requests any required extension of time not otherwise requested and hereby authorizes the Commissioner to charge any required fees not intentionally omitted, including application processing, extension, extra claims, statutory disclaimer, issue, and publication fees, to Deposit Account 06-1135.

Respectfully submitted,

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